



Arnold Schwarzenegger, Governor
State of California
Business, Transportation and Housing Agency
Department of Managed Health Care
Office of Legal Services

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www.dmhca.gov

ACTION: Third Amended Notice of Proposed Rulemaking
Title 28, California Code of Regulations

SUBJECT: Scheduling Third Public Hearing regarding Unfair Billing Patterns; Prohibition Against Billing Enrollees for Emergency Services; Independent Dispute Resolution Process, Adopting Section 1300.71.39 and Revising Section 1300.71.38 in title 28, California Code of Regulations (Control No. 2006-0777) and for Claims Settlement Practices; Reasonable and Customary Criteria, Revising Section 1300.71 in title 28, California Code of Regulations (Control No. 2006-0782)

PUBLIC PROCEEDINGS: Pursuant to Government Code section 11346.8(a) the Department of Managed Health Care (Department) has scheduled a third public hearing regarding the above-referenced proposed rulemaking action entitled Unfair Billing Patterns; Prohibition Against Billing Enrollees for Emergency Services; Independent Dispute Resolution Process, Control No. 2006-0777 and Claims Settlement Practices; Reasonable and Customary Criteria, Control No. 2006-0782.

PUBLIC HEARINGS:

The first public hearing was held on September 13, 2006 in Burbank, California.

The second public hearing will be held on:

**September 25, 2006
10:00 a.m.
Sheraton San Diego Mission Valley
1433 Camino del Rio South
San Diego, CA 92108
Facility Contact: Anna Maria Sanfilippo (619) 260-0111**

The third public hearing will be held on:

**October 4, 2006
9:00 a.m.
CalPERS Headquarters
Lincoln Plaza North, Room 1190
400 P Street
Sacramento, CA 95814
Facility Contact: Tina Napier 916-795-1497**

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The purpose of these public hearings is to solicit and receive public comment regarding the above-referenced proposed rulemaking actions. Verbal comments at the public hearings will be received separately for each proposed change to title 28, in the order listed in the agendas for the public hearings. Any interested person, or his or her duly authorized representative, may attend the hearings and submit written or oral comments relevant to the proposed regulatory actions. Oral comments during the public hearings should be limited to the subject of the proposed rulemaking action and no more than five (5) minutes in length for each agenda item. The Department's written response to all comments submitted during the public hearings will be made available on a date following the hearing.

The public hearings will adjourn after all verbal comments have been heard or at 5:00 p.m., whichever occurs sooner. The agendas for the public hearings are available on the Department's website under the "Upcoming Meetings" section at www.dmhca.gov.

Questions or comments regarding the regulation or these public hearings may be directed to Kevin Donohue, Deputy Director, 916-445-9753, kdonohue@dmhca.gov.

WRITTEN COMMENT PERIOD: The written comment period for these regulations is not affected by the additional public hearing. The written comment period will close at 5:00 pm on Wednesday, October 4, 2006. Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department of Managed Health Care, Office of Legal Services, by 5 p.m. on October 4, 2006, which is hereby designated as the close of the written comment period.

Please address all written comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. As noted above, written comments may be submitted at any of the public hearings regarding these rulemaking actions. Written comments may also be transmitted by regular mail, FAX, email or via the Department's website:

Website:	http://wpso.dmhca.gov/regulations/
Email:	regulations@dmhca.gov
Mail:	Department of Managed Health Care Office of Legal Services Attn: Regulations Coordinator 980 9 th Street, Suite 500 Sacramento, CA 95814
Fax:	(916) 322-3968

Please note, if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited. Additional information regarding these proposed rulemaking

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actions is provided in the respective Notices of Rulemaking Action, which is posted on the Department's website at <http://wpsso.dmhca.ca.gov/regulations/#1>.

REASONABLE ACCOMMODATIONS:

Reasonable accommodations for persons with disabilities are available upon request. Please submit your request for reasonable accommodations at least seven (7) days in advance of the hearing date. The Department will attempt to accommodate late requests to the extent possible. You may submit your request via email to Emilie Alvarez, Regulations Coordinator at ealvarez@dmhc.ca.gov. You may contact California Relay Service for the deaf or hearing impaired: 800-735-2929 (TTY) or 800-735-2922 (Voice).

Inquiries concerning these proposed rulemaking actions may be directed to:

Kevin Donohue
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(916) 322-6727
ealvarez@dmhc.ca.gov

CONTACTS: In your comments or inquiries, please use the Department's regulation title and control number, **Unfair Billing Patterns; Prohibition Against Billing Enrollees For Emergency Services; Independent Dispute Resolution Process, Control #2006-0777 and/or Claims Settlement Practices; Reasonable and Customary Criteria, Control #2006-0782**, as applicable.